

FISCAL NOTE
HB 161 - SB 487

February 13, 2005

SUMMARY OF BILL: Broadens the offense of child endangerment by driving under the influence while accompanied by a child by increasing the age of the child from 13 years to 16 years of age. The mandatory minimum sentence for Class A misdemeanor would increase from 30 days incarceration to 11 months and 29 days incarceration. Requires an additional minimum mandatory fine of \$1,000. Aggravated child endangerment remains a Class D felony when the child suffers serious bodily injury. Especially aggravated child endangerment remains a Class C felony when death of the child results from the violation.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$10,600/Incarceration*

Increase Local Govt. Expenditures – Exceeds \$1,000,000**

Increase Local Govt. Revenues – Less Than \$100,000

Assumptions:


- Minimum mandatory incarceration of 66 persons convicted of Class A misdemeanor child endangerment while driving under the influence will increase from 30 days to 11 months and 29 days.
- One additional Class D felony conviction resulting from broadening age of the child from 13 years to 16 years of age.
- Imposes an additional minimum mandatory fine of \$1,000.

**Section 9-6-119, TCA, requires that:* For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.

***Article II, Section 24 of the Tennessee Constitution provides that:* no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director